



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,957	09/15/2003	Don Chernoff		8391

7590

10/28/2004

Don Chernoff  
2226 Chestertown Dr.  
Vienna, VA 22182

EXAMINER
----------

MAI, TRI M

ART UNIT	PAPER NUMBER
----------	--------------

3727

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/661,957

**Applicant(s)**

CHERNOFF, DON

**Examiner**

Tri M. Mai

**Art Unit**

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the padding material in claim 9, the water resistant coating in claim 12, the pockets in claim 15, the handle in claim 17, the attachment means in claim 18, the strap being securable to a door handle, hanger rod in claim 19, the hook in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will be held in abeyance.**

2. Claims 9, 10, and 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

Art Unit: 3727

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear how the padding material would provide cushioning along the edges of the rolling suitcase. See drawing objection above.

Regarding claim 10, it is unclear how the suitcase has an access opening at the top end as shown in Fig. 6 while having a retractable handle as shown in Fig. 1. It seems that the opening would interfere with the handle.

Regarding claims 19-20, the specification fails to show the strap with releasable buckle and the integral hook. See drawing objections.

3. Claims 14, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, the "entire interior portion" has no antecedent basis.

In claim 20, "itegral" is misspelled.

4. Claims 1, 3-5, 7, 11, 13, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Godshaw et al. (6109402). Godshaw teaches a wheeled rolling suitcase and a garment holder wraps around the outside of the suitcase and against the outer surface of the suitcase by at least one releasable attachment means.

Regarding claims 3-5, note the male and female clips at 82.

The garment holder in Godshaw is wrapped around the perimeter as claimed.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Plath (5240106). Plath teaches that it is known in the art to provide hook and loop fasteners

Art Unit: 3727

for attaching another containers at 59, 60, and 30. It would have been obvious to one of ordinary skill in the art to provide hook and loop fasteners in Godshaw as taught by Plath to provide added protection.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Lin (6220412). It would have been obvious to one of ordinary skill in the art to make the wheels from polymer (polyurethane) in Godshaw as taught by Lin, col. 3, ln. 57 to provide the desired material for the wheels.

7. As best understood view of the 112 matters above, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Wei-Chih (6035982). It would have been obvious to one of ordinary skill in the art to provide padding material in Godshaw as taught by Wei-Chih, at 30 and 20, to provide added protection.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Bieber et al. (5645146). It would have been obvious to one of ordinary skill in the art to provide an access opening in Godshaw as taught by Bieber, at opening 32, to keep the handle secured.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Plath (5311972). It would have been obvious to one of ordinary skill in the art to provide a strap with releasable buckle in Godshaw as taught by Plath to enable one to hang the garment bag easily. ✓

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Godshaw in view of Schwartzstein (4170282). It would have been obvious to one of ordinary skill in the art to ✓

Art Unit: 3727

provide an integral hook in Godshaw as taught by Schwartzstein, at 106, to enable one to hang the garment bag easily. ✓

11. Claims 11, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Latshaw (5547052). Latshaw teaches a combination wheeled rolling suitcase and a detachable garment holder by at least one attachment means.

Regarding claim 15, note the pockets 101 and b.

Regarding claim 19, note the releasable buckles and the hook at 167.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Godshaw or Latshaw in view of Hjelle (5005679). It would have been obvious to one of ordinary skill in the art to provide a water resistant coating in Godshaw as taught by Hjelle, col. 4, ln. 39, to provide the desired protection for the container.

13. Claims 1, 3-7, 11, 13, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scicluna et al. (5323887) in view of Ghiassi (4598803). Scicluna teaches a luggage with wheels and retractable handle on top of the container. Scicluna meets all claimed limitations except for the garment bag being wrapped around the case. Ghiassi teaches that it is known in the art to provide a garment bag being wrapped around the case. It would have been obvious to one of ordinary skill in the art to provide a garment bag wrapped around the case in Scicluna as taught by Ghiassi to move both the bag and the luggage case easily.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Scicluna rejection in view of Plath (5240106). Plath teaches that it is known in the art to provide hook and loop fasteners for attaching another containers at 59, 60, and 30. It would have been obvious

Art Unit: 3727

to one of ordinary skill in the art to provide hook and loop fasteners in the Scicluna rejection as taught by Plath to provide added protection.

15. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Scicluna rejection in view of Lin (6220412). It would have been obvious to one of ordinary skill in the art to make the wheels from polymer (polyurethane) in the Scicluna rejection as taught by Lin, col. 3, ln. 57 to provide the desired material for the wheels.

16. As best understood view of the 112 matters above, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Scicluna rejection in view of Wei-Chih (6035982). It would have been obvious to one of ordinary skill in the art to provide padding material in the Scicluna rejection as taught by Wei-Chih, at 30 and 20, to provide added protection.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Scicluna rejection in view of Hjelle (5005679). It would have been obvious to one of ordinary skill in the art to provide a water resistant coating in the Scicluna rejection as taught by Hjelle, col. 4, ln. 39, to provide the desired protection for the container.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai  
Primary Examiner  
Art Unit 3727

